

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PEERLESS INDEMNITY INSURANCE
COMPANY f/k/a ATLAS ASSURANCE
COMPANY OF AMERICA

Plaintiff,

v.

AXA GENERAL INSURANCE
HONG KONG LIMITED,

Defendants.

X

Index No.: 07 CV 7638 (PAC)
Hon. Paul A. Crotty

STIPULATION + Order

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: FEB 06 2008

WHEREAS, Plaintiff, Peerless Indemnity Insurance Company ("Peerless"), has filed a complaint (the "Complaint") in the above captioned action (the "Action");

WHEREAS, Peerless mailed a copy of the Complaint to defendant, AXA General Insurance Hong Kong Limited ("AXA HK"), on September 4, 2007, along with a Request for Waiver of Service of Summons;

WHEREAS, on November 2, 2007, AXA HK returned to Peerless the requested Waiver of Service of Summons, expressly reserving its rights to assert all defenses and objections to the Complaint (except those based on service), including objections to the jurisdiction of the Court and the venue of the Action;

WHEREAS, by orders signed November 30, 2007 and January 3, 2008, this Court granted the parties' joint requests to extend the time for AXA HK to respond to the Complaint so that the current response date is February 11, 2008;

WHEREAS, the parties desire an additional brief extension of time for AXA HK's response to the Complaint to enable the parties to continue discussing ways to narrow or resolve the disputes between them;

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NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for the parties, that the date for AXA HK to respond to the Complaint is adjourned until February 29, 2008;

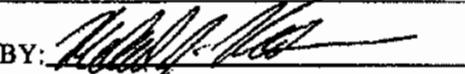
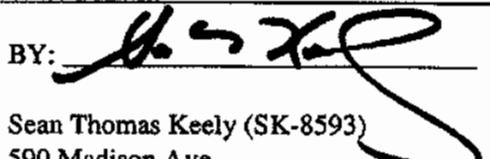
IT IS FURTHER STIPULATED AND AGREED, that except as provided herein, the parties each expressly reserve all other rights;

IT IS FURTHER STIPULATED AND AGREED, that a facsimile copy of this stipulation shall have the same force and effect as the original.

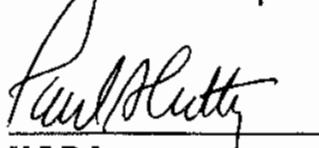
Dated: New York, New York
February 5, 2008

NELSON LEVINE De LUCA & HORST

LOVELLS LLP

BY: 	BY: 
Michael J. Kurtis (<i>pro hac vice</i>) Four Sentry Parkway Suite 300 Blue Bell, PA 19422 (610) 862-6539	Sean Thomas Keely (SK-8593) 590 Madison Ave 7 th Floor New York, NY 10022 (212) 909-0633
Attorneys for Plaintiff Peerless Indemnity Insurance Company	Attorneys for Defendant AXA General Insurance Hong Kong Limited

SO ORDERED: 2/6/08


U.S.D.J.